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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

HUYNH, LOUIS K

ART UNIT PAPER NUMBER

3721

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

80

Office Action Summary

Application No.

10/826,293

Applicant(s)

HADAR, NIR

Examiner

Louis K. Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-18 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-18 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/2/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Claims 21-23 stand withdrawn from further consideration as being drawn to a nonelected species; they will be rejoined and examined when generic claim 14 is in condition for allowance.

Drawings

2. The replacement drawings were received on 05/15/2006. These drawings are approved.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 15, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luburic (US 5,938,059) and Foy et al. (US 4,917,255).

With respect to claims 14 and 27, Luburic disclose a method for using a collapsible container (10) disclosed in the reference to Foy et al. including the steps of: providing a collapsible container (10); deploying the container in a crate configuration (Fig. 1); loading the container in the crate configuration with goods at a loading station; transporting the loaded container to an unloading location; unloading the goods from the container; and deploying the empty container in a collapsible configuration (Fig. 2). See column 1, lines 23-34. The Foy's collapsible container (10) comprises: a base (12) having an upper surface (of rigid portion 28) and base sides (14), four side walls (16, 18, 20, 22), four openings (44) defining a pair of elongated channels for receiving tines of a forklift mechanism; wherein the upper surface and the

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base sides (14) define a central recess of the container, and a majority of the recess lies between the outermost distance of the pair of elongated channels. The collapsible container (10) of Foy can be deployed in a crate configuration (Fig. 1) and a knock-down configuration (Fig. 14), wherein the side walls are received substantially within the central recess in the knock-down configuration (Fig. 4). The method of Luburic using the collapsible container (10) of Foy meets all of applicant's claimed subject matter but lacks the specific teaching of the goods being produce. However, it is well known to transport produce in crate from a farm to a processing plant or directly to the market; for example, the reference to Box (US 4,044,910) discloses a method for transporting produce in collapsible crate. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have applied the method of Luburic in transporting produce so that the collapsible can be utilized many times in transporting produce between the farm and the market or processing plant.

With respect to claim 15, the collapsible container of Foy includes straps (42) cooperating with upper edges of the wall (16, 18, 20, 22) for facilitating stacking in the crate configuration (col. 4, lines 44-46), and cooperating with upper edges of base sides (14) for facilitating stacking in the knock-down configuration (Fig. 12); therefore, the claimed further steps of stacking the container in the crate configuration and stacking the container in the knock-down configuration are obvious steps in the method of Luburic because the collapsible container (10) of Foy is designed to be stacked in both configurations in order to save floor space.

With respect to claim 16, the length and width of the collapsible container of Foy are neither expressly disclosed to be substantially unequal; therefore, they are considered to be substantially equal.

With respect to claim 17, the respective opposite walls (16/18 or 20/22) of the collapsible container (10) of Foy are interchangeable.

With respect to claim 18, Luburic discloses that the collapsible container (10) of Foy is primarily formed from plastic or any suitable material (col. 1. lines 24-39).

With respect to claim 24, the base (12) of the Foy's container includes the base surface (28) and base sides (14) forming a closed end central recess.

With respect to claim 25, the length of each of the walls (16, 18, 20, 22) is no greater than a length of a respective base side. See FIGS. 12-14 in the reference to Foy.

With respect to claim 26, the walls (16, 18, 20, 22) of the collapsible container (10) of Foy are implemented with attachment features (68 & 80) for locking the walls (16, 18, 20, 22) from relative movement with respect to each others (col. 5, lines 51-59).

Response to Arguments

5. Applicant's arguments with respect to claim 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louis K. Huynh
Primary Examiner
Art Unit 3721

June 27, 2006

REPLACEMENT SHEET

FIG. 1A

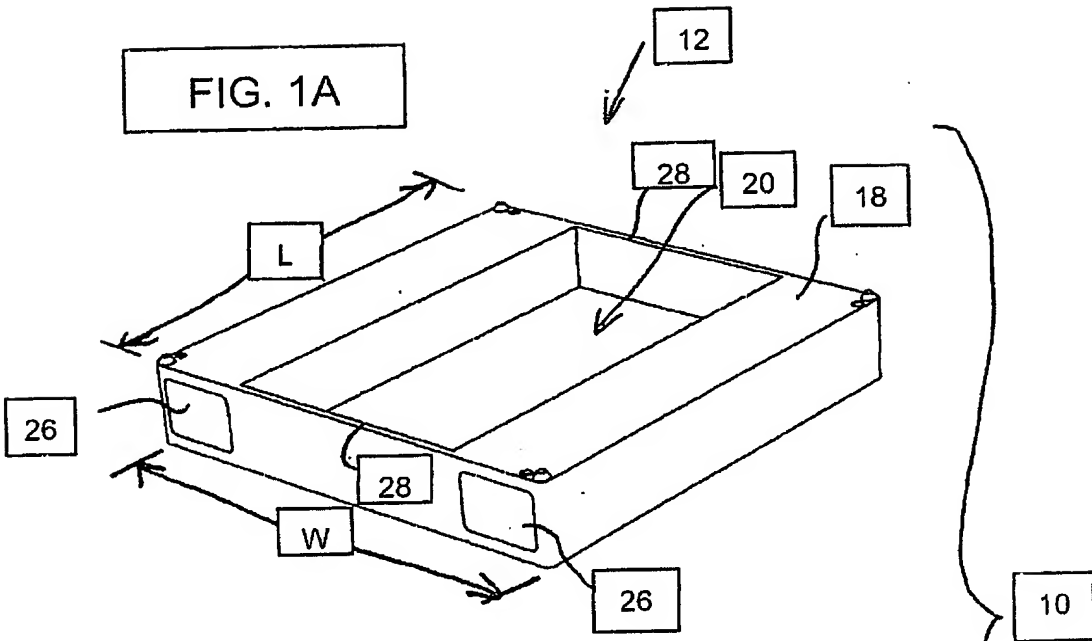
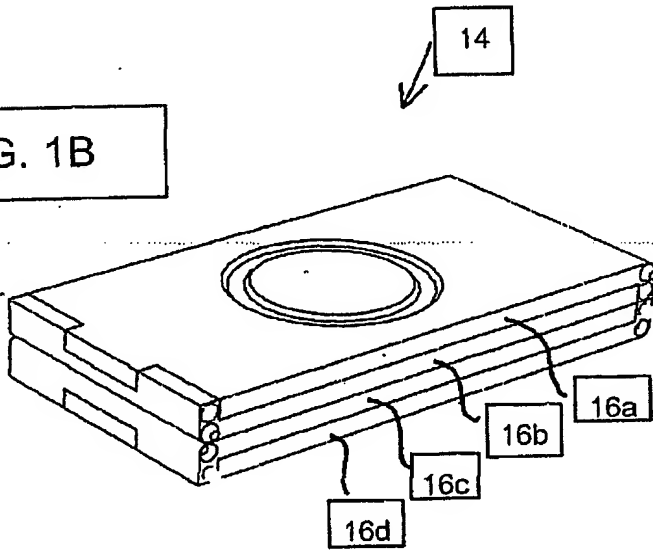


FIG. 1B



REPLACEMENT DRAWINGS ARE APPROVED
DATE 6/27/06